

July 18, 2006

July Eighteenth

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The second regular July Meeting of Council was held on the above date at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: Ruby B. Archie, P. A. "Pete" Castiglione, Jr., E. Stokes Daniels, Jr., John C. Hamlin, T. David Luther, T. Wayne Oakes, Vice-Mayor Sherman M. Saunders, Adam J. Tomer, and Mayor R. Wayne Williams, Jr. (9).

Staff Members present were Deputy City Manager M. Lyle Lacy, III, Assistant City Manager for Utilities Joseph C. King, City Attorney W. Clarke Whitfield, Jr., and City Clerk/Clerk of the Council Annette Y. Crane, CMC.

Other Staff members present were Human Services Director Gwendolyn Edwards, Finance Director Barbara Dameron, Community Development Director Jerry Fischer, Planning Director Ken Gillie, and Deputy Public Works Director/City Engineer Kent Shelton.

Mayor Williams presided.

#### **INVOCATION AND PLEDGE OF ALLEGIANCE**

Council Member Stokes Daniels offered the Invocation. The Pledge of Allegiance to the Flag followed.

#### **COMMUNICATIONS FROM VISITORS**

Patricia Thornton, a resident of 200 Westview Drive, appeared to seek relief from problems with odors, flies, and rat infestation on her property. Ms. Thornton stated her next door neighbors kept from 15-20 dogs and she felt they might be the cause of the problems she was experiencing. She stated she has had her home exterminated and sterilized, but the problems remained.

She asked the Council to investigate the matter and to adopt laws that would address this type of issue.

When asked if she had spoken with the Health Department, Ms. Thornton stated the Health Department felt the rats could be feeding from the dog food containers located next door. She also reported she had asked the Police Department for assistance, but could not help because there were no laws in effect that could be enforced.

Council Member Daniels said he thought there were regulations limiting the number of animals that could be kept at a residence. City Attorney Whitfield replied that issue was regulated through the Zoning Ordinance. Planning Director Kenny Gillie advised in the past there had been, but when the new Zoning Ordinance was adopted in 2004,

July 18, 2006

regulations pertaining to the number of animals that could be kept a residence had been removed.

Deputy City Manager Lacy advised he had formed a task force to look into Ms. Thornton's concerns. It was found the residence next door to Ms. Thornton was well-kept and could not have been cleaner. Mr. Lacy provided pictures for Council Members that indicated the cleanliness of the area and stated the task force did not find non-compliance with the neighboring property. He did find evidence of rat harborage in a shed on Ms. Thornton's property.

Humane Society's Executive Director Paulette Dean stated she had observed 10-15 dogs on the property and she felt there should be limitations on the number of animals a property owner could house at a residence. Ms. Dean advised she found all the animals at the location to be vaccinated and licensed.

Vice-Mayor Saunders asked Ms. Dean if she could see where the flies were coming from. Ms. Dean stated she did not see any flies when she visited the property.

Council Member Tomer asked Ms. Thornton about noise. She replied the dogs did bark.

Council Member Daniels requested the matter be placed on a Council Work Session for further review and stated he would like to know why the limitation on the number of animals that could be kept at a residence was removed from the Zoning Code.

Mayor Williams agreed with Mr. Daniels and asked the administration to provide Council with a report for that Work Session.

Mayor Williams recognized Rev. Cecil Bridgeforth. Rev. Bridgeforth congratulated Mayor Williams and Vice-Mayor Saunders on their recent election to those posts. He urged Council to give serious consideration to providing a public swimming pool and civic center for the citizens of Danville and surrounding areas. Rev. Bridgeforth stated he had been in Danville since 1976 and had continued to bring this matter before Council for consideration. He said many new jobs were coming to Danville, but there was a lack of certain recreation activities for Danville's citizens. He mentioned that the bowling center had recently closed and that had left a void for many of Danville's citizen who enjoyed bowling.

Rev. Bridgeforth said there was a new era in Danville, referring to the newly elected Mayor and Council Member Adam Tomer. He said they both were young, vibrant and visionary and felt that now was a good time to once again present his request for the swimming pool and civic center.

## **MINUTES**

Council Member Tomer called attention to a typographical error. The Clerk noted the correction to the Minutes.

July 18, 2006

Upon Motion by Council Member Hamlin and second by Council Member Daniels, Minutes of the July 3, 2006 Inaugural Meeting of Danville City Council and the Regular Council Meeting held on July 6, 2006 were approved as corrected. Draft copies had been distributed to Council Members prior to the Meeting.

**PUBLIC HEARING – BUDGET ADOPTIONS – FY 2006-2007**

Mayor Williams announced the following Budget Amendments (Items 2-5) had been previously discussed by City Council and introduced for First Reading and would be further considered by Council in the Public Hearing and after the Public Hearing was closed, there would be no separate discussion on the items. He announced they would be enacted by one motion and if a Council Member or citizen desired discussion, the item(s) would be removed and considered separately.

Mayor Williams opened the floor for a Public Hearing to consider amendments to the Fiscal Year 2006-2007 Budget Appropriation Ordinance. Notice of the Public Hearing had been duly published in the Danville Register and Bee on July 11, 2006. No one present desired to be heard and the Public Hearing was closed.

Upon Motion by Council Member Archie and second by Council Member Tomer, Ordinance No. 2006-07.01 presented by its First Reading on July 6, 2006 amending the Fiscal Year 2006-2007 Budget Appropriation Ordinance by increasing revenues from the Tobacco Regional Opportunity Fund and the Governor's Opportunity Fund for the Arista Incentive Package for a total appropriation in the amount of \$600,000 and appropriating the same was adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes, Saunders, Tomer,  
and Williams (9)  
NAY: None (0).

Upon Motion by Council Member Archie and second by Council Member Tomer, Ordinance No. 2006-07.02 presented by its First Reading on July 6, 2006 amending the Fiscal Year 2006-2007 Budget Appropriation Ordinance by appropriating Comprehensive Services Act Funds and providing local matching funds for a total amount of \$2,343,427 was adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes, Saunders, Tomer,  
and Williams (9)  
NAY: None (0).

Upon Motion by Council Member Archie and second by Council Member Tomer, Ordinance No. 2006-07.03 presented by its First Reading on July 6, 2006 amending the Fiscal Year 2006-2007 Budget Appropriation Ordinance for a grant from the Department

July 18, 2006

of Juvenile Justice in the amount of \$121,582 and a local share of \$26,324 for a total appropriation of \$147,906 to provide for the Electronic Monitoring and Outreach Detention Programs and other Contracted Services for the City of Danville at the W. W. Moore, Jr. Detention Home and appropriating same was adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes, Saunders, Tomer, and Williams (9)  
NAY: None (0).

Upon Motion by Council Member Archie and second by Council Member Tomer, Ordinance No. 2006-07.04 presented by its First Reading on July 6, 2006 amending the Fiscal Year 2006-2007 Budget Appropriation Ordinance by anticipating revenues in the amount of \$64,800 from the operation of an Electronic Monitoring Program and \$54,027 from the operation of an Outreach Detention Program for Pittsylvania County for a total appropriation of \$118,827 and appropriating same was adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes, Saunders, Tomer, and Williams (9)  
NAY: None (0).

#### **PUBLIC HEARING – SPECIAL USE PERMIT – 308 CRAGHEAD STREET**

Mayor Williams opened the floor for a Public Hearing to consider a request for a Special Use Permit to allow for twenty-four (24) apartment units above a first floor commercial use on property located at 308 Craghead Street. Notice of the Public Hearing had been duly published in the Danville Register and Bee on July 4 and 11, 2006. Applicant James Cheatham, who is renovating the old Link Watson Building on Craghead Street into an apartment complex, appeared to answer questions from Council Member and citizens. No one present desired to be heard and the Public Hearing was closed.

Council Member Castiglione moved adoption of an Ordinance entitled:

#### **ORDINANCE NO. 2006-07.18**

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ALLOW FOR TWENTY-FOUR (24) APARTMENT UNITS ABOVE A FIRST FLOOR COMMERCIAL USE IN ACCORDANCE WITH ARTICLE 3.L (C) (9) OF THE CODE OF THE CITY OF DANVILLE, 1986, AS AMENDED, AT 308 CRAGHEAD STREET.

Council Member Oakes seconded the Motion.

Council Member Castiglione commended Mr. Cheatham for his efforts, stating that area of Craghead Street already looked very inviting.

July 18, 2006

Council Member Tomer thanked Mr. Cheatham, adding that his vision will help to move Danville forward.

The Ordinance was adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes, Saunders, Tomer,  
and Williams (9)  
NAY: None (0).

**PUBLIC HEARING-2020 LAND USE PLAN – WEST MAIN AND OFFICE STREETS**

Mayor Williams opened the floor for a Public Hearing to consider a request to amend the Year 2020 Land Use Plan for the purpose of consolidating property located on West Main and Office Streets. Notice of the Public Hearing had been duly published in the Danville Register and Bee on July 4 and 11, 2006. Applicant Allen Stone appeared to answer questions from Council Members and citizens. No one present desired to be heard and the Public Hearing was closed.

Council Member Castiglione moved adoption of an Ordinance entitled:

**ORDINANCE NO. 2006-07.19**

AN ORDINANCE AMENDING THE YEAR 2020 LAND USE PLAN FROM HEAVY INDUSTRIAL TO OFFICE/PROFESSIONAL/TRANSITIONAL AND REZONING FROM M-I INDUSTRIAL DISTRICT TO OT-R OLD TOWN RESIDENTIAL DISTRICT, APPROXIMATELY 0.189 ACRE OF AN APPROXIMATELY 94-ACRE TRACT FRONTING WEST MAIN STREET AND OFFICE STREET.

The Motion was seconded by Council Member Archie and carried by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes, Saunders, Tomer,  
and Williams (9)  
NAY: None (0).

**PUBLIC HEARING-SPECIAL USE PERMIT-DAY CARE-1333 INDUSTRIAL AVENUE**

Mayor Williams opened the floor for a Public Hearing to consider a request for a Special Use Permit to allow for a Child Day Car Center at 1333 Industrial Avenue. Notice of the Public Hearing had been duly published in the Danville Register and Bee on July 4 and 11, 2006. Applicant May Crews appeared to answer questions from Council Members and citizens. No one present desired to be heard and the Public Hearing was closed.

July 18, 2006

Council Member Daniels moved adoption of an Ordinance entitled:

ORDINANCE NO. 2006-07.20

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ALLOW FOR A CHILD DAY CARE CENTER IN ACCORDANCE WITH ARTICLE 3.M (C) (6) OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 1333 INDUSTRIAL AVENUE.

The Motion was seconded by Council Member Luther and carried by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes, Saunders, Tomer, and Williams (9)  
NAY: None (0).

**PUBLIC HEARING-AMEND LAND USE PLAN-DEER RUN ROAD & PINEVIEW DRIVE**

Mayor Williams announced the applicant had requested this matter be readvertised for Public Hearing and **tabled** until the August 15 Council Meeting.

Council Member Saunders moved to table consideration of amending the 2020 land use plan relating to property owned by Madison Whittle at Deer Run Road, Pineview Drive and Churchview Drive until the August 15 Council Meeting. The Motion was seconded by Council Member Luther upon roll call vote, carried unanimously.

**PUBLIC HEARING-2020 LAND USE MAP-WINSTON COURT & FAIRMONT CIRCLE**

Mayor Williams opened the floor for a Public Hearing to consider a request to amend the Year 2020 Land Use Map and rezoning property located on Riverside Drive and allow for consolidation with adjoining residential lots fronting on Winston Court and Fairmont Circle. Notice of the Public Hearing had been duly published in the Danville Register and Bee on July 4 and 11, 2006.

Mayor Williams announced an amended Ordinance changing the rezoning of 22 acres to rezoning 18.5 acres on the aforementioned matter, had been placed at the desk of each Council Member. Applicant Bryan Shields and Attorney Randy Sinclair appeared to answer questions from Council Members and citizens. Mr. Sinclair had distributed maps of the property in the agenda packets prior to the Council Meeting. He reviewed the map, along with Mr. Shields, for Council Member's consideration.

Following a brief question and answer period, no one further desired to be heard and the Public Hearing was closed.

July 18, 2006

Council Member Castiglione moved adoption of an Ordinance, as amended, entitled:

ORDINANCE NO. 2006-07.21

AN ORDINANCE AMENDING THE YEAR 2020 LAND USE PLAN FROM SUBURBAN SINGLE-FAMILY RESIDENTIAL TO REGIONAL SERVICE AND REZONING FROM T-R THRESHOLD RESIDENTIAL TO "CONDITIONAL" HR-C HIGHWAY RETAIL COMMERCIAL AN APPROXIMATELY SEVEN (7) ACRE PORTION OF AN APPROXIMATELY 90-ACRE PARCEL FRONTING RIVERSIDE DRIVE AND REZONING APPROXIMATELY 18.5 ACRES FROM T-R THRESHOLD RESIDENTIAL TO S-R SUBURBAN RESIDENTIAL TO ALLOW FOR CONSOLIDATION WITH ADJOINING RESIDENTIAL LOTS FRONTING ON WINSTON COURT AND FAIRMONT CIRCLE.

The Motion was seconded by Council Member Luther and carried by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes, Saunders, Tomer, and Williams (9)  
NAY: None (0).

**PUBLIC HEARING--APPROVE QUITCLAIM DEED – RIVER STREET EAST OF MAIN**

Mayor Williams opened the floor for a Public Hearing to consider approval of a Quitclaim Deed referencing property on River Street east of Main Street. Notice of the Public Hearing had been duly published in the Danville Register and Bee on July 11 and 15, 2006. Attorney Michael Guanzon appeared to answer questions from Council Members and citizens. No one present desired to be heard and the Public Hearing was closed.

Council Member Archie moved adoption of an Ordinance entitled:

ORDINANCE NO. 21006-07.22

AN ORDINANCE APPROVING A QUITCLAIM DEED REGARDING PROPERTY ON RIVER STREET EAST OF MAIN STREET.

The Motion was seconded by Council Member Tomer and carried by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes, Saunders, Tomer, and Williams (9)  
NAY: None (0).

July 18, 2006

**BUDGET AMENDMENT – FY 2006-2007 – VIRGINIA COMMISSION OF THE ARTS**

Upon Motion by Council Member Daniels and second by Council Member Hamlin, an Ordinance entitled:

ORDINANCE NO. 2006-07.23

AN ORDINANCE AMENDING THE FISCAL YEAR 2006-2007 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A VIRGINIA COMMISSION OF THE ARTS GRANT IN THE AMOUNT OF \$5,000 AND TO PROVIDE FOR THE LOCAL SHARE IN THE AMOUNT OF \$5,000 FOR A TOTAL GRANT OF \$10,000

was presented by its First Reading, as required by City Charter, to lie over before final adoption.

**COMMUNICATIONS**

Deputy City Manager Lacy advised that City Manager Gwaltney and Economic Development Director Ron Bunch were in Richmond today seeking new jobs for the City.

City Attorney Whitfield called attention to a letter concerning the renaming of the Courts and Jail Building in memory of the late Judge James Ingram. Mr. Whitfield advised the Danville Bar Association would adopt a Resolution at its August meeting requesting Council to do so and would also file a formal application with the Memorial Commission requesting the name change.

Mr. Whitfield advised Wednesday in Danville's Circuit Court, for the first time that any of Danville's attorneys could recollect, the Virginia Supreme Court would be sitting. Mr. Whitfield said a three-member writ panel would be hearing appeals. He said the Chief Justice of the Virginia Supreme Court had been in the City in March and having three additional members of the Court was a very positive step and shows well for Danville.

There were no communications from the City Clerk.

**ROLL CALL**

Council Member Luther said he had received calls about the cleanliness of the Courts and Jail Building. He asked the appropriate personnel keep the entry level clean and that trash be properly disposed of.



July 18, 2006

Vice-Mayor Saunders stated he was happy Danville was bringing in many jobs and believed many individuals wanted to work. He said he felt some factors needed to be considered, however, that may be hurting people in terms of job training and job placement. If an individual gets laid off, he/she qualifies for various assistance, whether it is the trade act, unemployment insurance, health benefits and others. In order to receive this assistance, an individual must be in job training or must be going to school, but the individual must not be working. Many people want to work and in taking a look at some of the jobs and the skill level of some workers, an individual, for example, might take a job paying \$7.50 to \$8.00 an hour. In looking at the benefits one receives from the state and federal government, it may total \$12.00 to \$18.00 per hour, so it is a matter of economics for an unemployed person. Mr. Saunders felt it would be beneficial to ask the City's state and federal legislators to look at policies in Washington, D. C. and in Virginia and at waivers, whereby individuals who wish to work can do so without losing their benefits for a specific period of time. Mr. Saunders said many laws could be granted waivers. He expressed concern that many workers would lose benefits because they have taken a job paying less compensation than they are receiving when all other benefits are calculated. Mr. Saunders requested that everyone who might be concerned take a look at this issue and speak with local, state and federal legislators about waivers that assist people who want to work, but would be penalized by accepting a job.

Council Member Tomer advised a couple of American Legion members approached him about looking at the contact between the Danville Braves and Dan Daniel Park. He stated concerns had been expressed about charges at the concessions and asked the administration to see what and if they are allowed to charge for concessions. He stated he was told there had been problems concerning this issue during the American Legion baseball games.

Mayor Williams advised the dedication and unveiling of a "Wendell Scott Community Sign" would take place Saturday, July 22, 2006 at 10:00 a.m. and Wendell Scott Drive and Piney Forest Road. He encouraged everyone to attend this event. He said the special guest would be Mike Helton, NASCAR President.

Mayor Williams appointed Vice-Mayor Sherman Saunders as Chairman of the Committee on Appointments. Serving along with the Vice-Mayor will be Council Members Castiglione and Luther.

Mayor Williams announced a Work Session is being planned to address some issues relating to the Council-appointed Boards and Commissions.

Council Member Castiglione recalled that several years ago, a special dinner was held at the Stratford Conference Center for members of Council-appointed Boards and Commissions and their guests. Mr. Castiglione said he believed everyone enjoyed that occasion and would like to see the dinner become an annual event.

Upon unanimous voice vote, the Meeting adjourned at 8:08 P.M.

July 18, 2006

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MAYOR

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CLERK